

**Enrolled Minutes of the Twenty-fourth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, November 28, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 28, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council and the Building Commissioner discussed the status of the Use Variance Petitioner, **Duke of OIL, c/o Kal Patel, 8202 Calumet Avenue, Munster, Indiana 46321**, particularly whether there was any companion matter before the Plan Commission, if so whether that would allow the Town Council to be allowed another reviewing action on this matter.
2. The Town Council reviewed and discussed the agenda of the imminent regular meeting.

The study session ended at 7:05 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 28, 2016 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark A. Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; Pete Hojnicky, Metropolitan Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

Also present: Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski, IT Consultant (Contractor) were also present.

Minutes of the Previous Meetings: The minutes of the regular meetings of November 14, 2016 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the for the Office of the Clerk-Treasurer in the Corporation General Fund. **This will be achieved by reduction.**

- (a) Attorney verification of Proofs of Publication: The TIMES 15 November 2016. The Town Attorney verified that the proof of publication complied with I.C. 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2016-40:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Office of the Clerk-Treasurer by reductions in the several departments of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2016-40 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The appropriation enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-40 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The appropriation enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2016-40**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Office of the Clerk-Treasurer of the Corporation General Fund, supported by Corresponding Reductions, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Office of the Clerk-Treasurer of the Corporation General Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, as they will be fully supported by corresponding reductions to appropriations in another department of the Corporation General Fund, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That it has been determined that there are certain existing unobligated appropriations of the **Works Board and Services Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may now be reduced in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Decrease the following accounts:

Office of the Town Council

Acct. 001-0001-33001 Legal Notices:	\$ 900.00
Acct. 001-0001-39022 Interlocal Cooperation:	\$ 200.00
Acct. 001-0001-39044 Wellness Program:	\$ 800.00
<i>Total Series:</i>	<u>\$ 1,900.00</u>

Total Department **\$ 1,900.00**

Office of the Clerk-Treasurer

Acct. 001-0004-11102 Atty / Legal Asst:	\$ 618.00
<i>Total Series:</i>	<u>\$ 618.00</u>

Acct. 001-0004-20001 Misc. Supplies:	\$ 225.00
<i>Total Series:</i>	\$ 225.00

Total Department: \$ 843.00

Board of Works and Services Department

Acct. 001-0011-31003 Consulting Services:	\$ 1,962.50
Acct. 001-0011-31004 Tuition & Training:	\$ 75.00
Acct. 001-0011-31005 Tuition Training Agmt:	\$ 5,250.00
Acct. 001-0011-32008 Bank Services &Acct:	\$ 1,962.50
Acct. 001-0011-34008 Public Officials Liability:	\$ 1,000.00
Acct. 001-0011-34013 Workers Compensation:	\$ 2,500.00
Acct. 001-0011-35002 Electric Public way Lighting:	\$ 1,962.50
Acct. 001-0011-38005 Electric Public way Lighting:	\$ 1,962.50
Acct. 001-0011-39016 Taxicab Subsidy:	\$ 500.00
<i>Total Series:</i>	\$ 17,175.00

Total Department: \$ 17,175.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Office of the Clerk-Treasurer of the Corporation General Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

Increase the following accounts:

Office of Clerk-Treasurer

Acct. 001-0004-11105 Clerical Staff Wages:	\$ 12,738.00
Acct. 001-0004-11201 Social Security/Medicare:	\$ 975.00
Acct. 001-0004-11210 PERF paid by Employer:	\$ 1,405.00
<i>Total Series:</i>	\$ 15,118.00

Acct. 001-0004-34023 Group Health Insurance:	\$ 4,800.00
<i>Total Series:</i>	\$ 4,800.00

Total Department: \$ 19,918.00

Total Departmental Decreases:	\$ 19,918.00
Total Departmental Increases:	\$ 19,918.00
Total Fund Increases:	\$ 0.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28th Day of November 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of November 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

Unfinished Business and General Orders:

- 1. Introduced Ordinance No. 1637:** An Ordinance to Amend Chapter 12.15 of the Highland Municipal Code, Particularly Modifying or Amending Certain Provisions for Technical Clarity and Correctness, Repealing All Ordinances in Conflict.
Councilor Wagner introduced and filed Ordinance No. 1637, at the Town Council meeting of November 14, 2016. There was no further action.

Councilor Wagner moved the passage and adoption of Ordinance No. 1637. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1637
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND CHAPTER 12.15 of the HIGHLAND MUNICIPAL CODE, PARTICULARLY MODIFYING OR AMENDING CERTAIN PROVISIONS FOR TECHNICAL CLARITY AND CORRECTNESS, REPEALING ALL ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-9-2 specifically provides that a unit of local government may regulate the furnishing of the service of collecting, processing and disposing of waste substances and domestic or sanitary sewage in the municipality;

WHEREAS, The Town of Highland by its legislative body adopted IC 36-9-25 et seq. establishing a Department of Public Sanitation and Sanitary District in order to provide for the service of collecting, processing and disposing of waste substances and domestic or sanitary sewage in the municipality, including garbage;

WHEREAS, The Highland Town Council has determined that the amendment of Chapter 12.15, which is the Solid Waste Management Chapter, is an exercise of local authority consistent with the previously identified provisions and necessary or desirable in the conduct of its affairs;

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the identified chapter of the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 12.15 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Chapter to be styled as Chapter 12.15 to read as follows:

**Chapter 12.15
SOLID WASTE MANAGEMENT**

Sections:

Article I. Regulations

12.15.005	Title of Chapter
12.15.010	Definitions.
12.15.020	Enforcement.
12.15.030	Garbage or refuse originating outside town.
12.15.040	Littering.
12.15.050	Burning garbage and rubbish.
12.15.060	Collection generally.
12.15.070	Garbage containers; Placement.
12.15.080	Recycling containers.
12.15.090	Solid waste management fees and services.
12.15.100	Appeals.
12.15.110	Liability for payment.
12.15.120	Delinquent accounts.
12.15.130	Procedures and fees for disposal of refuse.
12.15.140	Abandoned or unattended major appliances.

12.15.150 Roll-off containers.

~~Article II. Special Sanitary District Public Safety Fund~~

~~12.15.160 Repealed.~~

~~12.15.170 Repealed.~~

~~12.15.180 Repealed.~~

~~12.15.190 Repealed.~~

~~12.15.200 Repealed.~~

Article I. Regulations

12.15.005 Title of Chapter

This chapter shall be referred to as the Solid Waste Management Code.

12.15.010 Definitions.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Construction and demolition debris," means rubbish generated by the construction, remodeling, or demolition of buildings or building appurtenances and includes concrete, brick, wood, roofing materials, gypsum board, piping and building fixtures (cabinets, water closets, windows, etc.)

(2) "Dwelling unit," means a dwelling, or a portion of a dwelling, used by one family for cooking, living, and sleeping purposes eligible for refuse and recycling service provide by the town of Highland.

(3) "Dwelling(s)," means a dwelling, or a portion of a dwelling, used primarily as a place of abode for one or more human beings, including apartment houses, but not including motels or hotels.

(4) "Electronic waste (e-waste)," means waste that has one or more of these components: a circuit board, electronic component (diode, resistor, capacitor, or coil), display device, computer, or electronic device. It does not include vehicles or white goods (refrigerator, ranges, water heater, or other similar large appliances).

(5) "Garbage," means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(6) "Recyclables" means paper, cardboard, magazines, glass bottles (clear, brown, green), tin cans, steel cans, aluminum cans, plastic containers or other such items that the town deems to be recyclable in nature.

(7) "Refuse," means all putrescible and non-putrescible wastes (except human body wastes), including garbage and rubbish, and yard waste.

(8) "Rubbish," means non-recyclable putrescible and non-putrescible solid waste, both combustible and noncombustible, including but not limited to paper, cardboard, bottles, tin cans, steel cans, aluminum cans, glass, bedding, rags, crockery, wood, furniture and appliances.

(9) "Yard waste," means compostable organic waste resulting from the maintenance of lawns, gardens, landscapes and trees including grass clippings, tree branches, hedge trimmings, garden waste, and leaves. "Yard waste" does not include sod, dirt, rock, sand, etc.

12.15.020 Enforcement.

The director of public works as superintendent of the sewage works, **or his associate department directors**, shall **have authority to** enforce this chapter.

12.15.030 Garbage or refuse originating outside town.

No person shall dump garbage and/or rubbish within the town of **Highland and the boundaries of the sanitary district** unless when such garbage and/or rubbish has its origin within the town of **Highland and the boundaries of the sanitary district**.

12.15.040 Littering.

~~It shall be an offense for any~~ No person shall to throw or deposit on any lot, ground, premises, right-of-way, street, alley, drive, sidewalk or parkway, any garbage or rubbish except in containers as herein provided.

12.15.050 Burning garbage and rubbish.

~~It shall be an offense for any~~ No person shall to openly burn or ignite refuse, garbage, or rubbish.

12.15.060 Collection generally.

(A) The collection and disposal of refuse within the corporate limits of the town of **Highland and the boundaries of the sanitary district** shall be administered, operated, conducted, and/or maintained by and through the board of sanitary commissioners under the terms and the provisions of this chapter. The town of **Highland** shall have the right, exercisable by its board of sanitary commissioners, to appoint or contract with one or more persons, exclusively, or concurrently with the activities of the town, to collect and/or dispose of refuse, garbage or rubbish.

(B) Any person or persons owning or leasing any residence or establishment which fails to comply with the provisions of this chapter shall promptly remove and dispose of the garbage and rubbish accumulated by such person or persons at their own expense and in a sanitary manner.

(C) Except as otherwise provided in subsection (D) of this section, commercial units which include a building or part thereof or establishment for the conduct of a single business, apartment houses of more than two units, and except those three and four dwelling unit apartment houses that have separate water metered service and individual billing to each dwelling unit, motels, hotels, civic and athletic centers, and all other establishments which produce refuse, but are not dwellings, shall be responsible for the collection and disposal of refuse, garbage and rubbish in conjunction therewith.

(D) Option to Participate. Commercial units, which include a building or part thereof or establishment for the conduct of a single business and also have a single dwelling unit, which would not otherwise participate in the municipal solid waste management program, may apply to the public works director for a "waiver and option to participate letter," which would allow participation in the municipal solid waste program.

(1) In considering any application to participate, the public works director shall consider the following matters related to the delivery of service:

(a) Whether or not the applicant's participation materially affects the effectiveness of any or all of the services as outlined in HMC 12.15.090.

(b) Whether or not the applicant's participation materially affects the efficiency of any or all of the services as outlined in HMC 12.15.090.

(c) Whether or not the applicant's participation is equitable and the participation is in the public interest.

(2) If the public works director determines and finds favorably for an applicant, a letter of waiver will be issued to the particular participant, a copy of which will be filed with the board of sanitary commissioners and office of the clerk-treasurer and which will remain in effect for the particular participant only.

(3) If an option to participate is granted, the participant shall be subject to the relevant provisions of this chapter, including the requirement to pay the monthly solid waste management fees as set forth in HMC 12.15.090.

(4) The public works director shall be authorized to make reasonable rules or conditions related to the "waiver and option to participate letter" with which the participant shall comply.

(5) Failure to comply with the rules or conditions of the waiver may result in revocation of the waiver and prevention from participation in the solid waste management program of the town.

(E) Limited Option for Exemption. Commercial units, which include a building or part thereof or establishment committed to the conduct of educational, literary, scientific, religious, or charitable purposes and also have a single dwelling unit, which would otherwise participate in the municipal solid waste management program, may apply to the public works director for an "exemption letter," which would allow extrication from the single dwelling unit in the municipal solid waste program.

(1) In considering any application to participate, the public works director shall consider all the matters set forth in HMC 12.15.090(D)(1) and whether or not the single-family dwelling will be used for educational, literary, scientific, religious, or charitable purposes and not serve any further residential purpose.

(2) If the public works director determines and finds favorably for an applicant, a letter of exemption will be issued to the particular participant, a copy of which will be filed with the office of the clerk-treasurer and the board of sanitary commissioners and which will remain in effect for the particular participant only.

(3) The public works director shall be authorized (3) make reasonable rules or conditions related to the "waiver and exemption letter" with which the participant shall comply.

(4) Failure to comply with the rules or conditions of the waiver may result in revocation of the exemption and resumption of billing for and participation in the solid waste management program of the town.

(F) No person or other entity shall collect, remove, pilfer, cremate, dispose or otherwise deal in refuse within the corporate limits of the town unless expressly authorized to do so by the board of sanitary commissioners.

(G) It shall be unlawful to conduct or condone any unauthorized collections of recyclable materials, which are set out by town residents as part of the designated recycling program. Such unauthorized collections may reduce volumes of materials collected as part of a designated program and thereby threaten the economic liability of the authorized program.

(H) The collection and disposal of refuse and recyclables shall be provided to each single- and two-family dwelling unit and to each three- and four-family dwelling unit; provided, that each dwelling unit with a three- and four-family dwelling has separate water meter service with individual billing to each dwelling unit. Collection and disposal is subject to the following exceptions:

- (1) Furniture and appliances shall be limited to one item per week.
- (2) Appliances containing refrigerant gases are excluded unless properly evacuated of refrigerant gases.
- (3) Carpeting shall be cut and rolled into pieces that do not exceed 30 pounds and are no longer than three feet in length.
- (4) Construction and demolition debris is excluded.
- (5) Hazardous waste or medical waste is excluded.
- (6) Concrete is excluded.
- (7) Tires are excluded.
- (8) Electronic waste is excluded.
- (9) **Refuse and rubbish that is uncontained or stored in a non-provided container and is associated with a reduced service volume user.**

12.15.070 Garbage containers; Placement.

(A) Every tenant or owner of a dwelling or dwelling unit within the town of Highland and the boundaries of the sanitary district shall be provided suitable and sufficient containers for the ~~deposit of garbage therein collection and disposal of solid waste and garbage.~~ **Garbage shall be placed in containers made of plastic or metal, equipped with suitable handles and tight fitting covers, and plastic garbage bags or similar receptacles. Said containers shall be water tight and of a type approved by the town with a capacity of not less than 20 gallons and no more than 32 gallons, except that**

(B) **Refuse Containers will be provided in two sizes to support the service volume, standard service and reduced service. Standard service containers will be 95 gallons. Reduced service containers will be 65 gallons. Service fees will be differentiated for each. The provided refuse containers must be used as they are designed to be emptied by standard mechanical equipment installed on the collection vehicle. Larger containers, up to 110 gallons, may be used providing that they are on rollers and designed to be emptied by standard mechanical equipment installed on the collection vehicle. Said containers shall be kept clean, neat, and sanitary at all times.**

~~(C) All~~ **(C) The provided** containers for the deposit of refuse shall be placed for collection at ground level by the ~~owners of property~~ **tenant or resident served** within the right-of-way of a street or alley at the discretion of the board of sanitary commissioners for dwellings, and shall be accessible and not more than 15 feet from the side of the street or alley from which collection is to be made. ~~Such~~ **The** containers shall be placed in an orderly and sanitary manner on the days designated for the collection and removal of refuse by the ~~town Board, or other party duly authorized to collect refuse.~~ **town Board.** ~~or other party duly authorized to collect refuse.~~ The containers shall be removed to the rear of the premises **and out of sight as viewed from the street** after collection is made and on the same date of collection.

(D) Refuse containers shall remain with the dwelling unit even upon changes of residents or transfers of ownership.

12.15.080 Recycling containers.

(A) The town of Highland and the Department of Public Sanitation shall provide to each dwelling unit one container to be used for the collection and disposal of recyclables.

(B) In addition to any terms set forth in any contract for recycling collection services which may be in force, the public works director shall have the authority to identify additional recyclable articles under the solid waste management program.

(C) Recycling containers, as provided by the town of Highland and the Department of Public Sanitation, or by **contracted waste collector**, shall remain the property of the ~~town~~ **provider**. Damaged containers shall be

replaced at no cost to the customer. Lost or stolen containers may be replaced after payment of a replacement fee in an amount set forth in the fee schedule in HMC 12.15.090.

(D) Recycling containers shall remain with the dwelling unit even upon changes of residents or transfers of ownership.

(E) The provided containers for recycling shall be placed for collection at ground level by the tenant or resident served within the right-of-way of a street or alley at the discretion of the board of sanitary commissioners for dwellings, and shall be accessible and not more than 15 feet from the side of the street or alley from which collection is to be made. The containers shall be placed in an orderly and sanitary manner on the days designated for the collection and removal of refuse by the Board. The containers shall be removed to the rear of the premises and out of sight as viewed from the street after collection is made and on the same date of collection.

~~(E) Customers may obtain additional containers for the replacement fee set forth in the fee schedule in HMC 12.15.090.~~

12.15.090 Solid waste management fees and services.

(A) Fees shall be charged in support of the solid waste management program of the town. The fees shall be reasonable and just and reasonably related to support the following activities and services of the town:

(1) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(2) Collection and disposal of garbage and refuse associated with qualified residential dwelling units, that have been identified as recyclable articles by the town of **Highland and the Department of Public Sanitation**, placed for collection at ground level in the container provided by the town, and not more than 15 feet distant from the side of the street from which collection is made.

(3) Collection and disposal of tree leaves, associated with qualified residential dwelling units, seasonally placed for collection at ground level, and not more than 15 feet distant from the side of the street from which collection is made.

(4) Collection and disposal of articles of garbage and refuse associated with qualified residential dwelling units that have been identified as yard waste by the town of **Highland and the Department of Public Sanitation**, placed for collection at ground level, properly contained and not more than 15 feet distant from the side of the street from which collection is made.

(5) On-demand collection and disposal of branches or fallen tree limbs associated with qualified residential dwelling units, placed for collection at ground level and not more than 15 feet distant from the side of the street from which collection is made.

(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units **shall be based upon the presumptive service volume according to the following:**

(1) Standard service volume will be provided to qualified residential dwelling units that are principally occupied by a person or persons who are not described in subdivision (B)(2).

(2) Reduced service volume will be provided to qualified residential dwelling units that are principally occupied by persons who are 65 years of age or older, and upon approved applications with to the public works director. shall be discounted as set forth in the schedule of fees in this section. Principally occupied **by persons who are 65 years of age or older** shall mean that at least 50 percent of the regular occupants in the dwelling are persons 65 years of age or older, or at least one **occupant** owner of a jointly owned dwelling is 65 years of age or older.

(3) Reduced service volume may be provided to other users upon special application to the Public Works Director or his designee, expressing the reasons for such service and establishing to the satisfaction of the Public Works Director or his designee that reduced service volume is warranted.

(C) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater, **stormwater** and other services. Solid waste management fees shall be deposited into the ~~general~~ **Sanitary District Special Operating fund** ~~of the town.~~

(D) Waiver of Fees. The solid waste management fees which shall be imposed under this chapter may be temporarily waived for a time certain pursuant to the following:

(1) Person(s) desiring the waiver shall contact the billing authority and apply for such a waiver; and

(2) Person(s) desiring the waiver shall have paid a fee for a temporary cessation of water service in the amount set forth in the schedule of fees set forth in Chapter 12.05 HMC.

(3) The duration of the waiver will be concurrent with the duration of the cessation of water service. The waiver ceases or expires upon resumption of water service.

(E) Alternative Waiver (Refund) of Fees. For those persons for whom a temporary water service cessation is impracticable, owing to a water-based heating system, who would otherwise seek a waiver under the provisions of subsection (D) of this section, solid waste management fees may be refunded for a time certain, pursuant to the following:

(1) Person(s) desiring the refund shall contact the billing authority and apply for such refund; and

(2) Person(s) desiring the refund shall have paid a special cessation of solid waste management services fee in the amount set forth in the schedule of fees set forth in this chapter.

(3) The refunds will be of those fees paid during the time period of the desired temporary cessation of service, owing to extended absences from the customer residence.

(4) In order to determine the length of time for which a refund may be made, the following apply:

(a) No refund will be given for any month in which there is evidence of more than minimum water consumption; and

(b) No refund will be given without reasonable documentation of actual absence, which may include but not be limited to out-of-state utility bills, active bank accounts and the like.

(F) Limited Waiver of Fees for Certain Two-Family Dwellings. In the event that one unit of a two-unit dwelling, without a separate water meter and/or account status, becomes vacant, for a period of not less than four months, the property owner may request a waiver of the solid waste management fee charged for the unoccupied unit pursuant to the following:

(1) Person(s) who desire this limited waiver shall contact the public works director, and apply for such a waiver, not sooner than the first day of the month following the date of the vacancy; and

(2) The duration of the limited waiver of fees in this subsection shall be for four months. Persons may renew the waiver with the public works director.

(3) Unless specifically renewed, the public works director will advise the billing authority that the solid waste management fee charges shall resume, in full, beginning on the first month following the waiver's lapse.

(4) Person(s) shall notify the public works director in the event that the vacant unit becomes occupied before the fee waiver expires. The solid waste management fee shall be reinstated and charged beginning in the month that the unit becomes occupied.

(5) In the event that the owner fails to notify the public works director prior to the reoccupation of the vacant unit, all waived solid waste management fees shall be reinstated, back to the first day of the waiver period. Application shall be on forms to be provided by the office of the clerk-treasurer and shall include name, address, account number, and the specific reason for the request.

(G) The solid waste management and associated fees shall be charged according to the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption of an ordinance, pursuant to the terms of IC 36-9-25 et seq.:

Solid Waste Management Fees Schedule

Monthly Solid Waste Management Fees

- | | |
|-----|--|
| (1) | For the period beginning July 1, 2013: |
| | (a) Qualified dwelling unit; 95- gallon refuse cart: \$17.00 |
| | (b) Qualified dwelling unit; 65- gallon refuse cart: \$16.00 |
| (2) | For the period beginning April 1, 2014: |

Monthly Solid Waste Management Fees

- (a) Qualified dwelling unit; 95- gallon refuse cart: \$17.71
- (b) Qualified dwelling unit; 65- gallon refuse cart: \$16.71
- (3) For the period beginning April 1, 2015:
 - (a) Qualified dwelling unit; 95- gallon refuse cart: \$18.44
 - (b) Qualified dwelling unit; 65- gallon refuse cart: \$17.44
- (4) For the period beginning April 1, 2016:
 - (a) Qualified dwelling unit; 95- gallon refuse cart: \$19.18
 - (b) Qualified dwelling unit; 65- gallon refuse cart: \$18.18
- (5) For the period beginning April 1, 2017:
 - (a) Qualified dwelling unit; 95- gallon refuse cart: \$19.93
 - (b) Qualified dwelling unit; 65- gallon refuse cart: \$18.93
- (6) For the period beginning April 1, 2018:
 - (a) Qualified dwelling unit; 95- gallon refuse cart: \$20.71
 - (b) Qualified dwelling unit; 65- gallon refuse cart: \$19.71

12.15.100 Appeals.

Any person aggrieved by a regulation of, a decision of, or a fee charged by the director shall have the right of appeal to the board of sanitary commissioners who shall have the authority to confirm, modify, or reject any such regulation, decision, or fee. If the aggrieved party does not accept the findings and order of the board of sanitary commissioners, any such finding or order shall be appealable to the courts as provided by law.

12.15.110 Liability for payment.

The user charges shall be billed to the person being billed for ~~water~~ **municipal utility** service at the residence dwelling, unless by contract with the town of Highland and the Department of Public Sanitation, and other persons assume such responsibility. If a tenant or occupant is billed, the owner shall in no way be relieved of the liability in the event payment is not made by the tenant or occupant as herein provided. Such owner shall have the right to examine the town of Highland and the Department of Public Sanitation's collection records to ascertain whether such charges have been paid.

12.15.120 Delinquent accounts.

(A) How Delinquencies Arise. Fees levied pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date shall be considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.

(B) As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10 percent of such rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed **as the due date fixed for potable water. The penalty shall attach** at 30 days after the date of mailing of the bill, pursuant to HMC 12.20.350.

12.15.130 Procedures and fees for disposal of refuse.

(A) Permitted Uses. The disposal of compactable refuse by residents of the town shall be permitted in accordance with this ~~chapter~~ **section**.

(B) Prohibited Uses. **It shall be an offense** ~~There shall be no~~ for commercial dumping or disposal of refuse by commercial vendors or any contractors. Further, nonresidents of the town are prohibited **under penalty** from disposing of refuse at the Highland public works facility.

(C) Permit and Fees.

(1) Any person dumping refuse at the Highland public works facility shall first secure a "dumping permit" from the ~~public works office of the clerk-treasurer~~ **public works** office. The permit shall identify the name, address, and phone number of the permittee; vehicle type and license number; description of the refuse to be disposed; and disposal fee. Dumping refuse without a valid permit is prohibited; said permit shall be presented to the dumpster attendant prior to dumping refuse, and the dumpster attendant shall verify that the permit is proper for the refuse being disposed.

(2) Fees for the disposal of residential refuse by residents of the town of Highland served by the **Department of Public Sanitation** shall be collected by the ~~public works office of the clerk-treasurer~~ **public works** office according to the following schedule:

(a) Compactor Rate. Construction and demolition debris; extra trash (less than four feet in length):

1. Pickup truck, van, or one-ton dump truck (full): \$10.00.
2. Minimum fee (car load): \$5.00.

(b) Open Container Rate. Extra trash; construction and demolition debris (over four feet in length):

1. Pickup truck, van, or one-ton dump truck: \$20.00.
2. Furniture, appliances, mattresses, and the like (each piece): \$5.00.

(c) Tree Branch Disposal. No charge.

(d) Concrete, up to one cubic yard: \$5.00.

(D) Concrete. Disposal of concrete at the Highland public works facility is limited no more than one cubic yard.

(E) Hours. The Highland public works facility shall be available for the disposal of refuse in accordance with the provisions of this chapter from Monday through Saturday from the hours of 8:30 a.m. through 3:30 p.m.

(F) Temporary Fee Waiver by Order of the Board of Sanitary Commissioners President. Whenever an intense weather or other natural event has occurred which has unduly caused or created an unusual and involuntary increase in the volume of trash or debris experienced by residents of the town, the board of sanitary commissioners hereby authorizes that the board of sanitary commissioners president, when in his opinion the public good would require it, may issue a written order, directed to the public works director and the clerk-treasurer, indicating that for the foregoing reasons set forth in this chapter, the fees set forth in the schedule under this section for refuse services at the public works facility are waived for residents, with such waiver to be for a time certain and not to exceed a period of three weeks. Further, such order should be reported to the board of sanitary commissioners for its information in a timely manner.

12.15.140 Abandoned or unattended major appliances.

(A) Abandoning or Leaving Freezers, Refrigerators, Iceboxes, Ice Chests, and Other Major Appliances. The provisions of this ~~chapter section~~ shall apply to any icebox, refrigerator, freezer, ice chest, dryer, washer, or other major appliance having a capacity of one and one-half cubic feet or more. **It shall be an offense for any** ~~No~~ person, firm, corporation, or organization ~~shall~~ to abandon any such refrigerator, freezer, icebox, ice chest, or other major appliance any place within the town of Highland **of Highland and the boundaries of the sanitary district**.

(B) Further, it shall be an offense for any ~~No~~ person ~~shall~~ to leave any such refrigerator, freezer, icebox, ice chest, or other major appliance unattended out-of-doors. The purpose of this ~~chapter section~~ is to prevent children from dying for lack of air as a result of being locked in such a refrigerator, icebox, ice chest, freezer, or other major appliance.

~~(B)~~ **(C) Removal of Hinges and Doors.** Any person, firm, corporation, or organization that shall have abandoned or left out-of-doors a refrigerator, freezer, icebox, ice chest, or other major appliance shall immediately take steps to avoid the danger of a child being trapped inside by removing the door of such freezer, refrigerator, icebox, ice chest, or other major appliance before taking the same out-of-doors.

12.15.150 Roll-off containers.

(A) Private Roll-Off Containers. No person, firm, corporation, or organization shall place a roll-off container, POD, closed container upon a public street or alley without first securing a permit from the town. Application shall be made to the town of Highland **and the Department of Public Sanitation** on prescribed forms that shall include the name, location, size, type; dates and times container shall be placed upon the public way; name and address of the company supplying said container; and the description of the debris to be disposed. All containers placed upon a public street or alley shall be equipped with reflectors and flashing lights for the safety of the public.

(B) Any company that provides roll-off container service shall have on file with the town of Highland **and the Department of Public Sanitation**, a form of surety in the amount not less than \$5,000, to cover any damages to pavement or public infrastructure that may be damaged while unloading, loading, or placing of roll-off containers.

(C) Permit fees for the placement of a roll-off container upon a public street ~~shall~~ **may** be collected by the office of the clerk-treasurer **or the office of the public works director**, according to the following schedule:

(1) Up to three days: \$25.00.

(2) Each additional day: \$10.00.

Article II. Special Sanitary District Public Safety Fund

~~12.15.160 — Establishment.~~

~~Repealed by Ord. 1594. [Ord. 1516 § 3, 2012. Code 2000 § 170.90].~~

~~12.15.170 — Purposes, uses and permissible expenditures.~~

~~Repealed by Ord. 1594. [Ord. 1516 § 3, 2012. Code 2000 § 170.91].~~

~~12.15.180 — Expenditure upon appropriation.~~

~~Repealed by Ord. 1594. [Ord. 1516 § 3, 2012. Code 2000 § 170.92].~~

~~12.15.190 — Investments authorized.~~

~~Repealed by Ord. 1594. [Ord. 1516 § 3, 2012. Code 2000 § 170.93].~~

~~12.15.200 — Preservation and disposition of fund assets.~~

~~Repealed by Ord. 1594. [Ord. 1516 § 3, 2012. Code 2000 § 170.94].~~

Section 2. That is hereby further ordained as follows:

- (A) That all provisions of ordinances in conflict with the provisions of this ordinance are hereby repealed;
- (B) That the provisions set forth in Section 1 of this ordinance particularly amending Section 12.15.090(B) of the code, shall be construed to be effective from July 1, 2013, and all actions since that date made according to and consistent with the amended provisions are ratified, pursuant to IC 36-1-2-16;
- (C) That the provisions set forth in Section 1 of this ordinance particularly amending Sections 12.15.090(C) and 12.15.120 of the code, shall be construed to be effective from January 1, 2012, and all actions since that date made according to and consistent with the amended provisions are ratified, pursuant to IC 36-1-2-16.

Section 3. That subject to the provisions of Section 2, this ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, until its subsequent amendment or repeal by proper ordinance.

Introduced and Filed on the 14th day of November 2016. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of November 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

- 2. **Enactment No. 2016-41:** An Enactment Authorizing, and Approving the Payment of Elective Revenue Sharing to the American Legion Post 180 of Highland in Recognition of and in Goodwill for their Support and Cooperation in Recent Fall Festival Event, and Repealing a Prior Works Board Order.

Councilor Kuiper introduced Enactment No. 2016-41 and moved its consideration at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Wagner moved passage and adoption of Enactment No. 2016-41 at the same meeting of its introduction. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

THE TOWN of HIGHLAND
AN ENACTMENT OF THE TOWN OF HIGHLAND
ENACTMENT NO. 2016-41

AN ENACTMENT AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE REVENUE SHARING to the AMERICAN LEGION POST 180 OF HIGHLAND in Recognition of and in Goodwill for their SUPPORT AND COOPERATION IN RECENT FALL FESTIVAL EVENT, AND REPEALING A PRIOR WORKS BOARD ORDER.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and implement a Fall Festival at Main Square Park, Conducted October 21 through and Including October 23, 2016; and

Whereas, The Highland Community Events Commission did enlist American Legion Post 180 of Highland, Indiana to assist with the staffing and operation of a Beer Garden at the event;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the supporting groups in recognition of their special contribution and cooperation in support of the organization and implementation of an event;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support payments to the American Legion Post 180 in recognition of its special efforts cooperation and support of the Fall Festival in general and the execution of the Beer Garden in particular;

Whereas, The Town Council has been reliably advised that the American Legion Post 180 performed as volunteers without remuneration, but did expend time, labor, money and cooperative energy to support the Town of Highland's Fall Festival and Beer Garden; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section 2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission,

Now Therefore be it hereby Enacted BY the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section 2.35.030 of the Highland Municipal Code which reads as follows:

§ 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in

promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 2. That the Town Council hereby further finds that American Legion Post 180 of Highland participated in the Fall Festival, providing volunteers to staff the Beer Garden associated with the Fall Festival;

Section 3. That the Town Council hereby still further finds that the Beer Garden associated with the Fall Festival posted gross receipts of four thousand, three hundred twenty-nine dollars (\$4,329);

Section 4. That the Town Council still further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 5. That in consequence of and supported by the foregoing findings and determinations, the Town Council hereby authorizes and approves that the American Legion Post 180 of Highland be paid an *elective share* of the GROSS proceeds earned from Beer Garden activity in an amount representing approximately forty percent (40%) of the GROSS proceeds earned from Beer Garden activity, that amount being one thousand, seven hundred thirty-one dollars and sixty cents (\$1,731.60) in recognition of the valuable cooperation exhibited by the American Legion as a voluntary, and highly valued partner with the Community Events Commission for this special event;

Section 6. That the Clerk-Treasurer is hereby authorized and instructed to prepare an accounts payable voucher against the appropriate fund and account for the benefit *American Legion Post 180* according to the provisions of this enactment in the amount herein fixed, and to take such other measures to carry-out the purposes and objects of this order;

Section 7. That Works Board Order No. 2016-36 is hereby repealed and rendered a nullity;

Section 8. That the expenses authorized and outlined in this enactment are hereby further authorized and defined as payments that may be made in advance of allowance by the Town Council provided that all other provisions of IC 36-5-4-6 are observed in the processing of the claim.

Introduced and Filed on the 28th day of November 2016. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th day of November 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

3. **Resolution No. 2016-42:** A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection and Companion Departments, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 6-1.1-18-6; I.C. 36-7-9 et seq.

Councilor Herak moved the passage and adoption of Resolution No. 2016-42. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2016-42**

A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection and Companion Departments of the Corporation General Fund, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 6-1.1-18-6; I.C. 36-7-9 et seq.

WHEREAS, The Town of Highland by proper legislative action has established an unsafe building fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

WHEREAS, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

WHEREAS, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection Department of the Corporation General Fund;

WHEREAS, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund; and,

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is *now necessary* to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Building and Inspection Department, the Advisory Board of Zoning Appeals Department and the Plan Commission Department of the Corporation General Fund,**

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Building and Inspection Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2016 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, pursuant to IC 6-1.1-18-6, as follows:

CORPORATION GENERAL FUND

Building and Inspection Department

Reduce Accounts:

Acct. 001-0006-11114 Electrical Inspector:	\$ 6,000.00
Total Series:	\$ 6,000.00

Acct. 001-0006-34023 Health Insurance:	\$ 14,000.00
Total Series:	\$ 14,000.00

Total of All Series Reductions: \$ 20,000.00

Increase Account:

Acct. 001-0006-31005 Unsafe Building Fund Transfer:	\$ 20,000.00
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Section 3. That it has been shown that certain existing appropriations of the **Advisory Board of Zoning Appeals Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2016 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, pursuant to IC 6-1.1-18-6, as follows:

CORPORATION GENERAL FUND

Advisory Board of Zoning Appeals Department

Reduce Accounts:

Acct. 001-0002-20003 Miscellaneous Supplies:	\$ 200.00
Total Series:	\$ 200.00

Acct.001-0002-31001 Legal Fees:	\$ 8,252.00
Acct.001-0002-32001 Postage Fees:	\$ 60.00
Acct.001-0002-33001 Legal Notices:	\$ 100.00
Total Series:	\$ 8,412.00

Total of All Series Reductions: \$ 8,612.00

Increase/Establish an Account:

Acct. 001-0002-31005 Unsafe Building Fund Transfer:	\$ 8,612.00
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Section 4. That it has been shown that certain existing appropriations of the **Plan Commission Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2016 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, pursuant to IC 6-1.1-18-6, as follows:

CORPORATION GENERAL FUND

Plan Commission Department

Reduce Accounts:	
Acct. 001-0008-20001 Stationary & Printing:	\$ 69.00
Acct. 001-0008-20003 Miscellaneous Supplies:	<u>\$ 225.00</u>
Total Series:	\$ 294.00
Acct. 001-0008-31001 Legal Fees:	\$ 4,067.00
Acct. 001-0008-31002 Engineering Fees:	\$ 26,000.00
Acct. 001-0008-32001 Postage :	<u>\$ 375.00</u>
Total Series:	\$ 30,442.00
Total of All Series:	\$ 30,736.00

Increase/Establish an Account:	
Acct. 001-0008-31005 Unsafe Building Fund Transfer:	\$ 30,736.00

Section 5. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 6. That the Clerk-Treasurer be authorized and is hereby directed to transfer the following identified amounts, pursuant to IC 36-7-9-14 (b) as follows:

(A) Transfer **from** the Town of Highland **Building and Inspection Department of the Corporation General Fund the amount identified in the proper account** and deposit the transferred proceeds to the credit of the **Unsafe Building Fund** as follows:

CORPORATION GENERAL FUND

Building and Inspection Department

From Acct. 001-0006-31005 Unsafe Building Fund Transfer: \$ 20,000.00

UNSAFE BUILDING FUND

To the credit of cash (unappropriated) on deposit to the fund: \$ 20,000.00

(B) Transfer **from** the Town of Highland **Advisory Board of Zoning Appeals Department of the Corporation General Fund the amount identified in the proper account** and deposit the transferred proceeds to the credit of the **Unsafe Building Fund** as follows:

CORPORATION GENERAL FUND

Advisory Board of Zoning Appeals Department

From Acct. 001-0002-31005 Unsafe Building Fund Transfer: \$ 8,612.00

UNSAFE BUILDING FUND

To the credit of cash (unappropriated) on deposit to the fund: \$ 8,612.00

(C) Transfer **from** the Town of Highland **Plan Commission Department of the Corporation General Fund the amount identified in the proper account** and deposit the transferred proceeds to the credit of the **Unsafe Building Fund** as follows:

CORPORATION GENERAL FUND

Plan Commission Department

From Acct. 001-0008-31005 Unsafe Building Fund Transfer: \$ 30,736.00

UNSAFE BUILDING FUND

To the credit of cash (unappropriated) on deposit to the fund: \$ 30,736.00

Total of Cash transferred from the Corporation General Fund: \$ 59,348.00

Total of Cash deposited to the Unsafe Building Fund: \$ 59,348.00

Section 7. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

Section 8. That the money transferred may be expended from the Unsafe Building Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 28th Day of November 2016 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

4. **Works Board Order No. 2016-39:** An Order Authorizing and Approving the *Second Change Order* to the Construction Contract with Walsh & Kelly, Inc. related to the 3400 block of Condit Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-39. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2016-39**

An Order Authorizing and Approving the Second Change Order to the Construction Contract with Walsh & Kelly, Inc. related to the 3400 block of Condit Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Condit Street, with the project commonly known as the 3400 block of Condit Street Reconstruction Project; and

Whereas, The Town Council has heretofore awarded a contract to Walsh & Kelly, Inc. for the Project on April 25, 2016 in the amount of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 07/100 Cents (\$434,788.07); and

Whereas, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

Whereas, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract with Walsh & Kelly, Inc., particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of Six Thousand Eight Hundred Twelve and 34/100 Cents (\$6,812.34); and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, acting as the Works Board, Lake County, Indiana:

Section 1. That Change Order No. 2 for the 3400 block of Condit Street Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as Change Order No. 2, issued to decrease the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Inc., in the amount of Six Thousand Eight Hundred Twelve and 34/100 Cents (\$6,812.34), bringing the total value of the

entire agreement with any and all change orders approved to date to Four Hundred Thirty-two Thousand Six Hundred Fifty-six Dollars and 87/100 Cents (\$432,656.87);

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 07/100 Cents (\$434,788.07); which may not exceed Five Hundred Twenty-one Thousand Seven Hundred Forty-five Dollars and 68/100 Cents (\$521,745.68), all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2016-40:** An Order of the Works Board Accepting the Bid of Walsh & Kelly, Incorporated for the Johnston Street Reconstruction Project Being the Lowest Responsive and Responsible Bid in the amount of Four Hundred Forty-eight Thousand Four Hundred Five Dollars and 37/100 Cents (\$448,405.37).

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-40. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2016-40**

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF WALSH & KELLY, INCORPORATED FOR THE JOHNSTON STREET RECONSTRUCTION PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF FOUR HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED FIVE DOLLARS AND 37/100 CENTS (\$448,405.37)

Whereas, The Town Council for the Town of Highland determined that a need exists to improve the Johnston Street between Ridge Road and Highway Avenue; and

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the Johnston Street Reconstruction Project and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, The following bids were received at 10:00 a.m. on April 8, 2016:

	<u>Bidder</u>	<u>Base Bid</u>
1.	Rex Construction Co., Inc.	\$459,977.50
2.	Gough, Inc.	\$476,280.70
3.	Walsh & Kelly, Inc.	\$448,405.37
4.	Rieth-Riley Construction, Inc..	\$508,900.09
5.	Gatlin Plumbing and Heating, Inc.	\$477,777.00
6.	Austgen Equipment, Inc.	\$522,211.99
7.	Grimmer Construction, Inc.	\$516,407.00

Whereas, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Walsh & Kelly, Incorporated in the amount of Four Hundred Forty-eight Thousand Four Hundred Five Dollars and 37/100 Cents (\$448,405.37) to be the lowest responsive and responsible bid.

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, acting as the Works Board, now desires to accept the recommendation of the Public Works Director and award a construction contract to Walsh & Kelly, Incorporated for the Johnston Street Reconstruction Project,

Now, Therefore, Be It Ordered, by the Town Council of the Highland, Indiana, acting as the Works Board as follows:

Section 1. That the bid of Walsh & Kelly, Incorporated for the Johnston Street Reconstruction Project in the amount of Four Hundred Forty-eight Thousand Four Hundred Five Dollars and 37/100 Cents (\$448,405.37) is hereby accepted as the lowest responsive and responsible bid;

Section 2. That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

6. **Works Board Order No. 2016-41:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Webb Ford of Highland, IN through the State of Indiana (2) two 2017 Ford Utility Police Interceptor Base, pursuant to I.C. 5-22-8-2.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-41. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2016-41**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Webb Ford of Highland, IN through the State of Indiana (2) two 2017 Ford Utility Police Interceptor Base, pursuant to I.C. 5-22-8-2.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00.

Whereas, The Metropolitan Police Chief has identified Webb Ford of Highland, IN through the State of Indiana to be a desirable source vendor for the purchase of two (2) 2017 Ford Utility Police Interceptor Base at price of \$51,108.00.

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 (F)(1) of the Highland Municipal Code, expected that the purchase would be at least \$50,000 and not more than \$150,000.00 and therefore could have solicited quotes from at least three (3) vendors known to deal in the lines or classes of supplies to be purchased;

Whereas, The Purchasing Agent, elected to seek formal quotes pursuant to Section 3.05.060 (F)(3) of the Highland Municipal Code, with quotes opened and results of such quotes as follows:

- (A) Lake Shore Ford, 244 Melton Road, Chesterton, Indiana at a unit price of \$25,763.00 for each and a total price of \$51,526.00;
- (B) Paul Heuring Motors, 720 North Hobart Road, Hobart, Indiana at a unit Price of \$26,200.00 for each and a total price of \$52,400.00;
- (C) Webb Ford, 9809 Indianapolis Blvd., Highland, IN at a unit price of \$25,554.00 each and a total price of \$51,108.00;

Whereas, The purchase of the vehicle will be supported by the General Fund and a duly approved appropriation in the Metropolitan Police Department of the Corporation General Fund.

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Webb Ford of Highland for the purchase of two (2) 2017 Ford Utility Police Interceptors at the price of \$51,108.00; pursuant to IC 5-22 and Section 3.05.060 (F) (3) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the offer from Webb Ford of Highland to be the lowest responsive and responsible offered at the unit price of \$51,108.00, all pursuant to IC 5-22 and Section 3.05.060 (F)(3) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, **IAMC/MMC/CPFA/CPFIM/CMO**
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2016-42:** An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Brite Computers of Fishers, NY through the State of Indiana to purchase computer equipment and supplies pursuant to I.C. 5-22-8-2.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-42. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2016-42**

An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Brite Computers of Fishers, NY through the State of Indiana to purchase computer equipment and supplies pursuant to I.C. 5-22-8-2.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

Whereas, The Metropolitan Police Chief has identified Brite Computers of Fishers, NY, through the State of Indiana to be a desirable source vendor for the purchase of equipment and supplies at a price of \$29,413.89;

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (C)(E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 (G)(2) of the Highland Municipal Code, expected that the purchase would be less than \$50,000 and therefore chose to purchase in the open market without inviting or receiving quotes;

Whereas, The purchase of the computer equipment and supplies will be supported by appropriation in the Corporation General Fund;

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Brite Computers of Fishers, NY for the purchase of the computer equipment and supplies in the amount of \$29,413.89.00 pursuant to IC 5-22 and Section 3.05.060 (G) (2) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the offer from Brite Computers of Fishers, NY to be the most responsible offered at the price of \$29,413.99 all pursuant to IC 5-22 and Section 3.05.060 (G)(2) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

8. **Works Board Order No. 2016-43:** An Order Approving and Authorizing the Proper Officer to Enter into a Capital Lease-Purchase Agreement with Public Finance.Com for the Acquisition of Three Vehicles for Public Works, pursuant to IC 5-22 et seq., and Chapter 3.05 of the Highland Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-43. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2016-43

AN ORDER APPROVING AND AUTHORIZING THE PROPER OFFICER TO ENTER INTO A CAPITAL LEASE-PURCHASE AGREEMENT WITH PUBLIC FINANCE.COM FOR THE ACQUISITION OF THREE VEHICLES FOR PUBLIC WORKS, PURSUANT TO IC 5-22 ET SEQ., AND CHAPTER 3.05 OF THE HIGHLAND MUNICIPAL CODE.

Whereas, The Town of Highland, Department of Public Works, has determined a need to replace three (3) Single-Axle Dump Trucks and one (1) Tandem Axle Dump Truck that have reached their cost effective life expectancy; and;

Whereas, The Town Council acting as the Works Board, along with the Board of Waterworks Directors and the Board of Sanitary Commissioners did pass and adopt a joint administrative instrument approving the bid and purchase from *Truck City of Gary, Inc.* in the gross amount of Six Hundred Thirty-three Thousand Ninety-six Dollars and No Cents (\$633,096.00), less the trade-in four (4) units currently in the Public Works Department fleet, identified herein, with a total trade-in value of Thirty Thousand Nine Hundred Sixty-six Dollars and No Cents (\$30,966), for a net purchase amount of Six Hundred Two Thousand, One Hundred Thirty Dollars and no cents (\$602,130.00) for the purchase of Four (4) 2017 Freightliner 108SD Single Axle Dump Trucks with Snow Removal Equipment; and

Whereas, The Board of Waterworks Directors identified sufficient funds on hand to support the direct purchase of one of the vehicles, with the remaining three to be financed by a capital lease-purchase, so the remaining amount to be financed is four hundred forty-nine thousand, seven hundred thirty nine dollars (\$449,739);

Whereas, The Assistant Public Works Director, with the assistance of the Clerk-Treasurer, solicited capital lease-purchase proposals from financial institutions known to offer such services, and received the following responses as specified:

Responder:	Net Interest Rate	Term
First Financial Bank (Equipment Finance) Cincinnati, OH	2.71%	5 years
Fifth Third Bank Highland, Indiana	2.92%	5 years
Public Finance.com Franklin, Indiana	2.285%	5 years
Horizon Bank (Equipment Finance) Merrillville, Indiana	2.64%	5 years

Whereas, The Clerk-Treasurer, owing to the useful life of the vehicles, the likely size of the annual payments, and upon review of the several responses for financing, recommends that the proper officer be authorized to acquire the **remaining trucks previously authorized for purchase**, by lease-purchase, with **Public Finance.com**, at a fixed rate of **2.285%**, *using level principal payments*, for the lease term of five (5) years, with **financing company** acquiring the vehicle from *Truck City of Gary, Inc.*; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030(A)(1) of the Highland Municipal Code serves as purchasing agency for the Public Works Department;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030(B) of the Highland Municipal Code may act in the stead of the board of waterworks directors and the board of sanitary commissioners, when the purchase will be financed at shared costs;

Whereas, The purchase price exceeds \$15,000.00 and involves a capital lease purchase greater than one year in term, pursuant to Section 3.05.040 (C) and Section 3.05.050 (B)(1) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by a budgeted account in the _____ and the _____ Funds and there is or expected to be sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the proper officer to enter into a lease-purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the proper officer is hereby further directed and authorized to lease-purchase those identified vehicles not otherwise to be purchased by the Department of Waterworks, with **Public Finance.Com at a fixed rate of 2.285% for the lease term of five (5) years, with** according to terms set forth in a lease-rental proposal, for the total amount of four hundred seventy seven thousand dollars and thirty-six cents (\$477,000.36);

Section 2. That the Town Council acting as the works board, hereby further finds and determines that the terms of the capital-lease with Public Finance.Com are reasonable and fair;

Section 3. That the Town Council President is authorized and directed to execute the capital lease-purchase agreement with **Public Finance**, as attested thereto by the Clerk-Treasurer and any additional documents in order to implement this lease purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of November 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1(6);IC 36-5-6-5)

9. **Works Board Order No. 2016-44:** An Order for the Temporary CLOSING of Municipal Offices at the Municipal Building 3333 Ridge Road on Friday, December 30, 2016 for Year-end Fiscal and Records Administration Tasks.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2016-44. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2016-44**

AN ORDER for the TEMPORARY CLOSING OF MUNICIPAL OFFICES at the MUNICIPAL BUILDING 3333 RIDGE ROAD on FRIDAY, DECEMBER 30, 2016 FOR YEAR-END FISCAL AND RECORDS ADMINISTRATION TASKS

Whereas, The Town Council has been reliably advised that owing to the desire to ensure completion of several tasks associated with year-end fiscal and records administration, it may be advisable to reduce public access hours to the municipal building while maintaining a scheduled workday;

Whereas, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

Whereas, The Town Council now desires to modify the access hours of the Highland Municipal Building on Friday, December 30, 2016;

Now Therefore be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the usual hours of **public access** at the administrative and associated offices at the Highland Municipal Building on **Friday, December 30, 2016**, are hereby fixed at **8:30 a.m. to 12:30 p.m. but the usual hours of operation or the scheduled workday are unchanged;**

Section 2. That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order, which is to provide an opportunity for in-service training for administrative, clerical and other workers of the municipality and to support year-end duties;

Section 3. That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

Section 4. That this order shall be effective on and from its passage and adoption;

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28TH day of November 2016, having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

10. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.** *Assistant Public Works Director recommends the following:*

(A) *The hiring of Mick Montrose, to the full-time position of Driver C in Public Works Department (Agency) at a rate of pay of \$14.67 per hour. This will not increase the full-time workforce greater than the authorized work force strength; (Previously approved from Trent Elmore, who elected not to take the position).*

Councilor Herak moved to approve the full-time hiring and appointment of Mick Montrose as indicated. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The candidate was approved for hire to the position indicated.

11. **Action to reschedule a meeting.** Reschedule the standing plenary business of Monday, December 26, 2016 to Wednesday, December 28, 2016, with start times unchanged. *(It was noted that Section 2.05.130 (D) of the Highland Municipal Code authorizes the Town Council to reschedule by a two-thirds vote.)*

Councilor Wagner moved to reschedule the last standing plenary business meeting of year from Monday, December 26 to Wednesday, December 28, 2016, with a study session to take place at 6:30 p.m. and the plenary business meeting to begin at 7:00 p.m. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The last plenary meeting of 2016 was rescheduled.

Matters Laid on the Table:

1. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 10430-10434 Indianapolis Boulevard, **Highland**, to allow use of the property to host a gasoline station/convenience store/wash in property which is

currently NOT a corner lot, which is currently not a permitted use at such a location. Petitioner: **Duke of OIL, c/o Kal Patel, 8202 Calumet Avenue, Munster, Indiana 46321**. The Advisory Board of Zoning Appeals by a vote of three (3) affirmatives and two (2) negatives acted to advise the legislative body with a **favorable recommendation for the request for the use variance** for the property. The ABZA acted at its meeting of 28 September 2016. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 26 October 2016. (90 days ends 27 December 2016).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and GRANT the requested use variance or it may reject (over rule) the favorable recommendation and DENY the use variance. If not acted upon by the Town Council within the 90 days described above, the advisory action of the Advisory Board of Zoning Appeals stands.

Councilor Herak moved to take the ABZA matter from the table and set it for special orders at the Town Council meeting of Monday, December 12, 2016. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The matter was taken from the table and scheduled under Special Orders on the meeting of December 12.

Comments or Remarks from the Town Council:

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak conveyed appreciation to Councilor Wagner for his standing in for Santa Claus, when one did not appear at the recent Town Santa Parade and tree lighting event.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar also conveyed appreciation to Councilor Wagner for his standing in for Santa Claus, when one did not appear at the recent Town Santa Parade and tree lighting event.

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported that the that there were 930 participants in the recent Pumpkin Plod event and nearly 1,200 participants in the Holiday Arts and Crafts event. The Parks and Recreation Superintendent also discussed the status of the Skate Park design work.

Councilor Vassar commended the Superintendent on the look of Main Square for the tree-lighting.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner acknowledged the Building Commissioner who reported on matters pending before the Advisory Board of Zoning Appeals and the Plan Commission.

The Building Commissioner also reported on the status of a unsafe building proceeding regarding 2819 Lincoln Street and the demolition of 10013 Erie Place, Highland.

- **Councilor Konnie Kuiper:** *• Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who urged that residents exercise due care with candles for the holiday and that for those using fresh Christmas trees, to keep them watered to stay fresh and reduce the risk of fire.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged the Redevelopment Director, who in turn introduced Dr. Claude Gendreau, D.V.M., who is proposing a special development near 2209 Main Street, Highland to potentially host a professional office park and a boutique hotel.

Dr. Gendreau's engaged development consultant, Mr. Timothy Kirkby, AIA, LEED AP, of Farr Associates, with leave from the Town Council, was permitted to present an overview of the proposed project and the design concepts that informed it. It was noted that several parcels were acquired to assemble a 9 acre site. It was further noted that Dr. Gendreau had constructed such a hotel in Homewood, Illinois.

With further leave from the Town Council, members of the Council asked questions of the developer regarding financing, which revealed that the project would be done in three phases, first with seed money and then being financed from the success of the prior phase.

Comments from Visitors or Residents:

1. Carol Kerr, 2185 Timberidge Lane, Highland, expressed her special thanks to the Town for the work of the Police Chief and the evidence technician, who used footage from her closed circuit video and some DNA samples collected from crime scenes to capture a serial burglar suspect.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **November 15, 2016 through November 28, 2016** and the **payroll docket for November 11, 2016**. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$17,961.71; Motor Vehicle Highway and Street (MVH) Fund, \$53,175.75; Unsafe Building Fund, \$15,900.00; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,597.83; Gasoline Payment Agency Fund, \$10,965.24; Information and Communications Technology Fund, \$4,037.74; Solid Waste District Grant Fund, \$300.00; Civil Donation Fund, \$257.25; Special Event Non Reverting Fund, \$845.75; General Improvement Fund, \$12,168.51; Traffic Violations and Law Enforcement Agency Fund, \$5,000.00; Municipal Cumulative Street Fund, \$5,141.21; Gaming Revenue Sharing Fund, \$79,733.70; Economic Development Income Tax Fund, \$52,429.00; Total: \$259,513.69.

Payroll Docket for payday of November 11, 2016:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,449.00; Building and Inspection Department, \$8,185.08; Metropolitan Police Department, \$125,494.95; Fire Department, \$3,469.40; Public Works Department (Agency),

\$69,430.69 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll:
\$222,029.12.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 28, 2016 was adjourned at 8:18 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer